THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.19049 of 2006

ORAL ORDER:

This writ petition is filed seeking Mandamus to declare the order of the first respondent in Appeal Case No.16/2006-S7 dated 20.7.2006 as illegal and arbitrary.

Under the impugned proceedings, the stay application filed by the petitioner along with the appeal before the first respondent-Joint Collector was rejected and the appeal was posted for hearing.

The brief facts of the case are that the petitioner and third respondent along with others have applied for the vacancy of Fair Price Shop Dealer of 19th (old) Ward, Sattenapalli Town, Guntur district. It appears, in the earlier selections made, the third respondent was selected and appointed as a fair price shop dealer. Aggrieved by the same, petitioner filed appeal before the Joint Collector and the same was allowed. Questioning the same, third respondent filed revision before the District Collector, Guntur district and the same was dismissed. Therefore, third respondent filed W.P.No.2746 of 2004 before this Court. When the said writ petition was dismissed by order dated 23.6.2005, third respondent preferred W.A.No.1306 of 2005, which was also dismissed by order dated 21.12.2005 with a direction to the respondents to consider the application of petitioner, third respondent and one Smt.K.Anantha Lakshmi and pass appropriate orders in the matter of appointment of Fair Price Shop Dealer for Circle No.292 of Sattenapalli Town. It appears that in pursuance of the said orders, the matter was re-considered and the third respondent was appointed as fair price shop dealer. Aggrieved by the same, petitioner carried the matter in appeal before the first respondent. The first respondent while taking up the appeal, rejected the stay application. Aggrieved by the same, the present writ petition is filed.

This is the second round of litigation and in view of the directions

of this Court, the second respondent has re-considered the matter and had taken a decision, which is under challenge before the first respondent.

In the peculiar facts and circumstances of the case, I deem it appropriate not to interfere with the impugned order passed by the first respondent in rejecting the stay application filed by the petitioner. Further, there are no merits to interfere with such discretionary order. The writ petition is devoid of merits and liable to be dismissed.

Accordingly, the writ petition is dismissed. However, the first respondent is directed to dispose of the appeal filed by the petitioner, within a period of six weeks from the date of receipt of a copy of this order, on its own merits without being influenced by any of the observations made hereinabove. No order as to costs.

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C.V.RAMULU, J

Date: 9.11.2006

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W.P.No.19049 of 2006

9.11.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.19049 of 2006

Date: 9th November, 2006

Between:

Smt.P.V.T.S.B.Padmavathi

.. Petitioner

And

The Joint Collector,
Guntur, Guntur district & others.

.. Respondents